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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: December 13, 2022
MOAHR Docket No.: 22-005119
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned administrative law judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference line on December 8, 2022. Petitioner participated and was represented. ██████████ of Teams Mental Health participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Nicole Carey, supervisor

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application for relocation.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On ██████████ 2022, Petitioner applied for SER seeking a rental security deposit due to homelessness.
2. On ██████████ 2022, MDHHS denied Petitioner's SER application due to lacking a relocation emergency.
3. As of October 20, 2022, MDHHS had not mailed Petitioner an SER- Verification Checklist requesting proof of homelessness.
4. On November 1, 2022, Petitioner's AHR requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Relief Manual (ERM).

Petitioner's AHR requested a hearing to dispute the denial of an SER application. Exhibit A, pp. 3-4. Petitioner applied for SER on ██████████ 2022, seeking emergency funds for relocation. An Application Notice dated ██████████ 2022, stated that Petitioner was not eligible for SER due to not providing proof of a summons or order judgment. Exhibit A, pp. 5-6.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2020) p. 1. This assistance falls under SER-relocation services. MDHHS is to authorize relocation services only if one of the following circumstances exists and all other SER criteria are met: the SER group is homeless, the SER group is at risk of homelessness, or the SER group meets the eligibility requirements for homeless assistance programs.¹ *Id.*, pp. 1-2.

The definition of homelessness for SER means that there is no housing that the group can return to. *Id.*, p. 2. To be considered homeless, the SER group must meet one of the following criteria:

- Has a primary night-time residence that is a public or private place not meant for human habitation, (the group is sleeping in a car or on the streets).
- Is living in an emergency shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels).
- Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. *Id.*, p. 2.

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. *Id.*, p. 3. Verification from an outreach worker or service provider must be on official letterhead, signed and dated. *Id.*

For all SER applications, clients must be informed of all verifications that are required and where to return verifications. ERM 103 (March 2019) p. 6. MDHHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of

¹ The homeless assistance programs include Family Re-Housing Program and Rural Homeless Permanent Supportive Housing Initiative.

the due date for returning the verifications. *Id.* The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. *Id.*

It was not disputed that Petitioner sought SER due to being homeless. There was no evidence that Petitioner verified her homelessness status. However, MDHHS testimony acknowledged that it did not request proof of homelessness from Petitioner via SER-Verification Checklist before denying Petitioner's application.

The failure by MDHHS to properly request proof of homelessness from Petitioner renders MDHHS's denial of SER to be improper. As a remedy, Petitioner is entitled to a reprocessing of her SER application.


DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SER application for relocation services. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's SER application for relocation dated [REDACTED] 2022; and
- (2) Initiate reprocessing of Petitioner's application including sending a SER-VCL to request any needed verifications.

The actions taken by MDHHS are **REVERSED**.

CG/mp



Christian Gardocki
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
MDHHS-Wayne-57-Hearings
E. Holzhausen
K. Schulze
MOAHR
BSC4

Via-First Class Mail :

Authorized Hearing Rep.

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Petitioner

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